

FINAL

**LEBANON PLANNING BOARD
MEETING ROOM ONE, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, NOVEMBER 25, 2024 6:30 PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Kathie Romano (REMOTE), Patrick Kennelly, Jeremy Rutter, Kellen Appleton (REMOTE), Eric Stacy (alt), Brian Ceglarski (alt)

MEMBERS ABSENT: Richard Ford Burley (Vice Chair), Karen Zook (City Council Rep),

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nate Reichert (Director of Planning & Development / Zoning Administrator)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:31pm.

Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

2. STUDY ITEMS

A. Review of Proposed Amendments to the Zoning Ordinance and Zoning Map

Mr. Reichert said, after this discussion about the proposed amendments, there will be two more public sessions (December 5 at Kilton Library and December 9 at DHMC).

The group reviewed several miscellaneous edits to the proposed amendments.

Nuisance Ordinance

The group discussed the details of the nuisance ordinance. Mr. Reichert said Mr. Corwin was in the process of revising the current language of the nuisance ordinance. He said an option is for the ordinance itself to be discontinued and to define what constitutes a nuisance within the zoning ordinance instead. He said the ordinance should follow the health officers' enforcement (for example, in the case of hoarders and the health risk involved) more so than to zoning officials' enforcement.

Section 607.1

Mr. Corwin said legislation signed into law by the governor in August requires Planning Boards to consider alternative parking arrangements (that are different than what is prescribed by the zoning

ordinance) for residential projects. He said the burden is on the applicant to come up with what the solution will be and the Board has the option to engage a third-party consultant to peer review the proposed alternative parking arrangement.

Section 608

The group discussed the reasons why digital signs are prohibited in the City. Mr. Corwin said, at times, there has been interest in revisiting this prohibition. He said the proposed amendment to the sign regulations is to allow digital signs in certain areas of the City, with the stipulation that the messaging would refresh once per hour. Ms. Romano said it has been noted in the past that flashing signs distract drivers.

Section 607.8

The group discussed the idea of minimum percentages being used to determine how many EV spaces will be required for multi-family dwellings. Mr. Corwin explained how the percentages are calculated. Ms. Romano noted that, for large properties with 50 or 100 units, it is easier to determine a percentage than for smaller, four- or six-unit homes, where the percentage may turn out to be less than one space.

Section 411.3

The group discussed the special exception that allows townhouses to be built as part of the overlay district (for pattern zoning). Mr. Reichert suggested the general special exception criteria be clarified regarding allowing townhouses.

Ms. Romano said that section includes references to several requirements that may not be applicable to townhouses:

- tying into the City's stormwater system - does not say where that stormwater system is
- fuel tanks and garbage containers to be located at the rear of the property - Ms. Romano said her concern was that requiring fuel tanks to be behind the building would make it difficult for fuel delivery trucks to access them because access is constrained
- renewable energy – these properties will not have chimneys

- **Section 607.8** - clarify the minimum required percentage of EVSE-installed, EV-ready, and EV-capable spaces for multi-family dwelling and non-residential uses
- **Section 608** - allow freestanding non-static signs (i.e. digital message boards) on certain streets within the GC District, and related changes to the illumination standards and enforcement provisions
- **Section 610** - remove the requirement that an interior door is provided between the principal dwelling unit and an attached accessory dwelling unit (ADU)
- **Section 801 & Appendix A** – per HB 1359, clarify who has standing to (a) appeal an administrative decision to the ZBA, and (b) request a rehearing, and to clarify that "abutter" shall have the same meaning as provided by statute
- **Section 201** – allow stairs and stairwells to project up to 2 ft. into minimum required yards
- **Section 212** – in connection with the development of a proposed nuisance ordinance to be proposed to the City Council at a later date, remove anti-nuisance standards from the Zoning Ordinance
- **Section 213** – clarify procedures for requesting a waiver of impact fees from the Planning Board
- **Section 215** –
 - (a) require applicants for a shared driveway to produce an easement with maintenance provisions
 - (b) allow off-site utility improvements by conditional use permit
- **Section 507** - allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems
- **Section 509** -
 - (a) Clarify that building sites of no less than 1,500 sq. ft. shall be provided for both attached and detached cottages
 - (b) Provide a minimum parking requirement of 1.5 spaces per cottage
 - (c) Require an applicant to apply for Site Plan Review contemporaneously with the CUP
- **Section 604 & Appendix A** – per HB 1567, clarify that family day care homes and family group day care homes are allowed as an accessory use to any primary residential use
- **Section 607.1** – per HB 1400, permit Planning Board to authorize alternative parking solutions for residential uses

- setbacks that start where the lot widens out from the driveway – may not be able to achieve the required lot width
- street-facing entry – multi-unit townhouses may have end units that do not have front-facing entrances

The group discussed the design standards criteria that have been identified for the pattern housing units. Mr. Reichert said the zoning ordinance can be interpreted to a certain degree by the zoning administrator. He explained that if someone disagrees with the interpretation of the zoning official, they have the right to appeal to the Zoning Board for a ruling.

The group discussed the designs that would be provided by the designers (for example, via a pattern book) and how allowing owners to use their own designs may result in errors during construction. The group discussed how the option to use the designs provided (which would require the services of an architect) will probably be generally accepted for these projects. The group discussed at length possible proposals for funding by groups for pattern zoning projects, specifically for Auxiliary Dwelling Units (ADUs).

1. Reduce Minimum Lot Sizes and widths

- Minimum Lot Size:
 - R-1: Class 1 – 10,000 sq ft
 - R-2: Class 1 – 10,000 sq ft
 - R-3: Class 1 – 10,000 sq ft
 - LD: 3,000 sq ft
 - RO: 75' , CBD: 3,000 sq ft, PB 10,000 sq ft
- Minimum Lot Width
 - R-1: Class 1 – 75'
 - R-2: Class 1 – 75'
 - R-3: Class 1 – 75'
 - LD: 40' may be reduced by CUP
 - RO: 75' , CBD: 40' , PB 75'

Minimum Lot Size
Recommendations:
Within the Pattern Zones
Overlay

Street Frontage:
40', 15' and 0'.

Minimum Lot Size:
4,000 sq ft.

A class 1 lot has access to City Sewer and Water.

Staff Recommended Technical Amendments

- Recovery House - Create Use Code and Special Exception Requirements
- Create Medical Center two (MC2) Zone
- Technical Amendments
- Map Changes – Leb Housing Auth, Create MC2.

Section 614 – Recovery Houses

The group discussed whether vaping is included in the Fire Marshall's state smoking regulation for recovery houses, which are situations where people who are not related live in the same home.

Medical Center 2 District

Mr. Reichert explained that Alice Peck Day (APD) is asking for zoning amendments to their area so it can add residential housing for medical professionals to live directly on campus.

Mr. Reichert noted the MC-2 District does not allow for helicopters to land (as the MC District for DHMC does). He said the APD campus is a light medical campus.

Medical Center Two

- Create a Medical Center Two (MC-2) Zoning district.
 - Re-zone the following parcels from R-3 to MC-2:
 - 10 Alice Peck Day Drive (90-59)
 - 0 Young (76-6)
 - 23 Alice Peck Day Drive (76-4)
 - 0 Hough Street (76-7)



Lebanon Housing Authority Romano Circle

Mr. Reichert suggested the Romano Circle property, which is owned by the Lebanon Housing Authority, be rezoned to RO so a variance is not required each time a change needs to be made. He said the LHA would like to build an office space on the property and rezoning to RO will mean that the project will not require a variance.

Map Change: Re-Zone Lebanon Housing Authority

- Re-zone Lebanon Housing Authority's 31 Romano Cir. Complex from R-2 to RO
 - The current use that has been in place since 1975
 - The current use is legal non-conforming
 - As legal non-conforming the use cannot be easily changed to adapt to the changing times. Additional apartments, office space, the conversion of office space to apartments or even a maintenance facility requires a Variance.



Oakes Storage Request

Mr. Dan Nash (Advanced Geomatics & Design) was present on behalf of the party requesting the amendment.

Mr. Nash said three variances have been required to finish the work on the property, which, he said, indicates the RL-1 zone is not appropriate for this business. He suggested rezoning the area to GC would be a better fit. The group discussed the attorney's suggestion that spot zoning could solve this particular issue as opposed to rezoning the whole area.

Private Map Change Request

- Oakes Storage
 - 111-16 92 Riverside Drive Rezone from RL-1 to GC with a CUP for Self Storage.
 - Zoning Board approved a Use Variance and several additional dimensional variances thereby allowing the Self-Storage Use.
 - Request by AGD - Dan Nash representing Oakes Storage.

The group discussed how there has been some discussion in this neighborhood, which is near an Interstate exit, over the years because the Zoning Board has allowed additional uses in the area, which seem to have made it less residential. The group discussed how the area still utilizes septic systems and is not connected to the City's sewer system, which is a constraint on development in the neighborhood.

A MOTION was made by Andrew Faunce that the Lebanon Planning Board recommends against satisfying and addressing this particular request when the area as a whole is being put forth as a request for rezoning. The Motion was seconded by Patrick Kennelly.

Roll Call Vote:

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

Voting Against – None

****The MOTION was approved (7-0).***

[at 8:01pm, Mr. Reichert left the meeting, He noted that Christine Johnston is going to be unavailable for a time and Attorney Matt Isham will be providing legal opinions during that time.]

Chair Faunce said Agenda Item 2D would be discussed next, which is out of the order of the agenda.

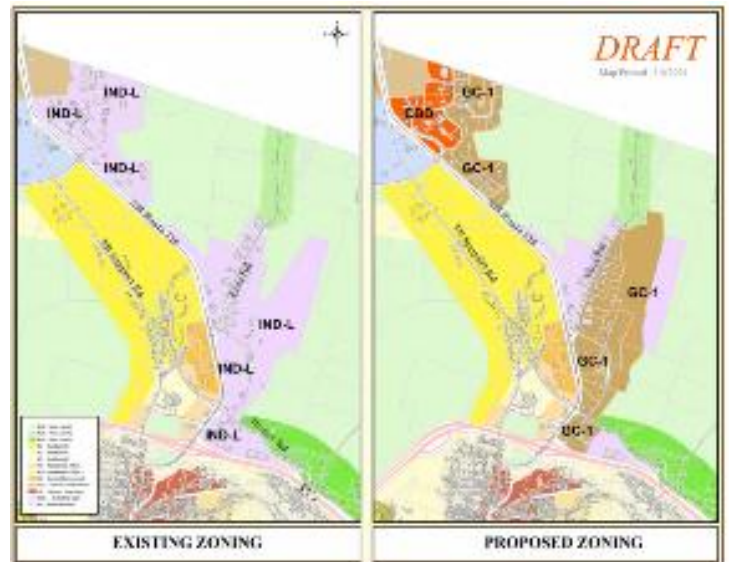
D. Review of Request for Zoning Map Amendment: ICV of NH, LLC - 67 Etna Road, Tax Map 26, Lot 2

Mr. Dan Nash was present on behalf of the applicant making the zoning amendment. Mr. Jay Campion also participated in the discussion.

Mr. Nash said the owner of the property has built a building with 75 units and was interested in building more buildings with residential units, but it has been limited by the regulations of an Industrial PUD that requires 25% of the calculated density (13 units per acre). He said the owner is asking that the percentage be increased or for the area to be rezoned GC1, like other areas in the vicinity and on the other side of Route 120.

The group discussed the concerns of the Conservation Commission about the wetlands and the wildlife corridor in that area. Ms. Romano noted that a wildlife crossing bridge or culvert has been planned to help wildlife cross Route 120. She said they would not want to change zoning that may negate the possibility of building that wildlife crossing. The group also discussed how the area includes residential, IND-L, and GC1 zones, and how expanding the GC1 zones would affect the general characteristics of the area. Chair Faunce noted that currently there is not a lot of property that is zoned IND-L in this area.

Mr. Corwin explained the density formula in relation to PUDs in Industrial-zoned districts. He explained that, if the rezoning proposed for the Centerra Planned Business Park and the Alteria PUD is approved, it calls into question how those developments can take advantage of the rezoning (based on their respective Planning Board approval conditions/requirements). He said the City wants to make sure that the approvals can be amended if the property owners want it. He said the Planning Board needs to be allowed to permit unlimited residential density, because without that there is no benefit to rezoning.



Dwelling units in one-family, two-family and multi-family dwellings or appropriate mixes thereof may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. For PUDs or portions thereof in the IND-L or IND-RA Districts, the density of residential uses allowed pursuant to this section shall be determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 dwelling units per acre. For PUDs or portions thereof located in the GC, GC-1, or CB Districts, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305.5, 305A.4, and 306.5, respectively. Where allowed, such dwelling units may be clustered together and/or distributed within the Commercial or Industrial PUD in mixed use buildings at the discretion of the Planning Board.

The group discussed at length the pros and cons of applying the same zoning that is on one side of Route 120 to an area that is on the other side of the road, versus changing all of the area to zone GC1.

Mr. Kennelly noted the uses that would no longer be allowed if the whole area was zoned GC1:

- Bus terminal
- Care and treatment of animals
- Car wash
- Contractor's yard
- Educational facility or vocational school
- Health club
- Industrial PG
- Local government usage

The group reviewed the current zone map and discussed the allowable uses for each (see image at right):

IND-L is light purple

GC is orange

GC-1 is brown



Mr. Kennelly noted the following uses are allowed in IND-L and/or GC and not in GC-1

- Funeral home
- Health club
- Hotel
- House of Worship
- Laundromat
- Membership clubs
- Motel
- Movie theater
- Local government usage
- Retail product pickup
- Retail showroom
- Vehicular sales
- Warehouse
- Publishing & printing

The group discussed the differences between the GC and GC-1 zones.

A MOTION was made by Andrew Faunce that the Lebanon Planning Board endorses the conversion of the remaining set of parcels and the study area on the west side of Route 120, currently zoned IND-L, to GC-1, subject to analysis by the City Council and their agents as to

the remaining sufficiency of IND-L in the City and remedies to any nonconforming uses. The Motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

Voting Against – None

***The MOTION was approved (7-0).**

A MOTION was made by Andrew Faunce that the Lebanon Planning Board proposes that the area south of Heater Road and east of Route 120, currently proposed to be rezoned GC-1, to retain the zoning as IND-L. The Motion was seconded by Eric Stacy.

Roll Call Vote:

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

Voting Against – None

***The MOTION was approved (7-0).**

Mr. Campion suggested that an updated map be created that shows the proposed rezoning to prevent confusion.

B. Review of Proposed Amendments to Site Plan Review Regulations re: Minor Site Plan Committee and Conceptual Review

Mr. Corwin said this amendment is to establish the Planning Director as the Chair of the Minor Site Plan Committee and to add the Chief Building Official as a member. He said he would take the role of Staff for the committee.

A. MINOR SITE PLAN COMMITTEE

1. **Establishment.** A Minor Site Plan Committee is established in accordance with RSA 674:43, III, and the resolution passed by the City Council on September 1, 2021, for the purpose of reviewing minor site plan applications per Section 3.1.C.
2. **Membership.** The Minor Site Plan Committee consists of the Director of Planning and Development, the Chief Building Official, the Director of Public Works, the Fire Chief, and the Police Chief ~~Planning and Development Department's Senior Planner and Associate Planner, and a representative from each of the following City departments: Fire, Police, and Public Works.~~ The Director of Planning and Development ~~Senior Planner~~ shall serve as chair and may use ~~his or her~~ their reasonable discretion in coordinating the activity of the ~~Committee~~ in an efficient and effective manner. The Deputy Director of Planning and Development or designee shall serve as staff for the Committee. ~~The Director of Planning and Development~~ members of the Committee may, at ~~his or her~~ their discretion, appoint a substitute representative from their respective departments to the Committee ~~for the~~

Conceptual Review

The group discussed the effectiveness of conceptual review and whether the conceptual review period should be conducted earlier in the project review timeline. They also discussed whether the conceptual review period should be lengthened (so the actual approval process can possibly be shortened). Mr. Corwin suggested the conceptual review period might be a good time to inform applicants what parts of their developments might undergo peer review.

Mr. Rutter asked if, during the conceptual review period, a cut-off point be enforced for applicants

that have not submitted information that has been requested by the Planning Board. He said some applicants go on for months and it seems like there should be a time limit, after which the applicant would have to resubmit.

Chair Faunce said Conceptual Review could be a good time for the Planning Board to establish a structured set of engagements with applicants on big projects that are designed to drive getting information to the Board at the time of formal application. He said Conceptual Review could also help the Planning Board articulate expectations to applicants prior to the formal application submission. The group also discussed completeness of applications and how to hold applicants accountable to provide information that is requested by the Board.

A MOTION was made by Andrew Faunce to extend the meeting to 9:40pm. The Motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

Voting Against – None

****The MOTION was approved (7-0).***

The group discussed what figures should be added to the proposed language regarding the number of new or additional dwelling units and the square footage of new buildings. (See image at right.) These figures are some of the proposed conditions that would require a Conceptual Review.

The group agreed to continue discussion about what the numbers should be.

B. Conceptual Review Required. Conceptual review shall be required for any land development that requires Planning Board review pursuant to Section 3.1.D and which involves any one or more of the following:

1. or more new or additional dwelling units;
2. More than one (1) principal building; and/or
3. Any new building of sq. ft. or more.

C. Conceptual Review Optional. For any site land development other than those identified in Section 4.3.B, conceptual review shall be optional.

~~the Applicant may request an informal discussion with the Board, to be conducted in general terms, of the basic concept of the proposed development. The Applicant may end the conceptual discussion at any time.~~

D. Notice. Conceptual reviews shall only take place at a formal meeting of the Board. Public notice of a required ~~the conceptual discussion~~ review shall be provided pursuant to Section 4.8 and shall also be provided to the following:

1. Conservation Commission
2. Pedestrian & Bicyclist Advisory Committee

C. Discussion of potential amendments to the Site Plan Review Regulations re: Article IV procedural requirements, Article V application submission requirements, and Article VII waiver requirements

Was not discussed.

3. COMMITTEE REPORTS

None

4. OTHER BUSINESS

None

5. APPROVAL OF MINUTES

- October 14, 2024

Chair Faunce said he reviewed the October 14, 2024 Planning Board meeting DRAFT minutes and shared his suggestions via email. He asked Board members to consider his edits (or suggest other edits) and come prepared to discuss them at the next meeting.

- October 25, 2024

Amendments: Page 1 Line 14: Change to Chamberlain

Page 7 Line 7: Edit to read “value of”

Page 7 Line 8: Edit to read “as well as qualify to participate”

Page 7 Line 38: Eliminate the line

A MOTION was made by Jeremy Rutter to approve the October 28, 2024 Planning Board meeting minutes as amended. The Motion was seconded by Brian Ceglarski.

Roll Call Vote:

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

Voting Against – None

****The MOTION was approved (7-0).***

6. ADJOURNMENT

The meeting adjourned at 9:41pm.

Respectfully submitted,

Paula Roux

Recording Secretary